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E.O. 12958: DECL: TEN YEARS
TAGS: [PGOV](#) [PREL](#) [EC](#)
SUBJECT: OPPOSITION DEPUTIES FLEE TO BOGOTA

Classified By: PolChief Erik Hall for reasons 1.4 (b&d).

¶1. (C) Summary: With up to 16 dismissed/restituted members of Congress in Bogota winning headlines (although little domestic sympathy) decrying perceived political persecution at home, pressure is mounting on the GOE to seek a consensual exit from the current political stand-off between the Government and main opposition. President Correa sent a rare signal of equanimity on April 24, when he publicly exhorted a judge not to issue arrest warrants against the opposition members of Congress. Thus far, the judge has respected Correa's request, and the 16 have therefore not requested political asylum from Colombia. An opposition leader claims the GOC would be willing to extend asylum, should any arrests be ordered. Statements of concern about the political conflict in Ecuador have been issued by the OAS SecGen, and the opposition claims others are imminent from the Andean Parliament, the Latin American Parliament, and the World Interparliamentary Union. PSC national leader Pascual del Cioppo has called for dialogue with the GOE on a "democratic and constitutional" resolution of the conflict--short of the return of the 57 to Congress. We have privately encouraged both sides to explore this possibility. End Summary.

Background

¶2. (U) On March 7, Ecuador's Supreme Electoral Tribunal (TSE) stripped 57 opposition members of the 100-member Congress of their seats and political rights, for one year, for attempting to interfere in an electoral process (the referendum held on April 15). After a several week period of political stalemate in which the Congress lacked a quorum, the 57 were replaced in Congress by a group of 21 of their substitutes, originally selected by the same parties, but acting against the wishes of those parties. This group called itself the Dignity Block, and lodged formal complaints with legal authorities against 24 of the 57 dismissed deputies who publicly insisted that they continued to represent the legitimate Congress.

¶3. (U) On April 23, the Constitutional Court ruled the TSE decision unconstitutional, ordering the restitution of the 57 to Congress. The TSE filed a "stay" order against implementation of the decision later the same day, delaying its implementation. The Court formally notified Congress of its decision on April 24, at 11:00 am, but Congress chose to ignore it and continue with the same membership. At noon, the substitute Congress voted to dismiss the Court, arguing the court's term period had expired earlier. Meanwhile, the legal complaint (for sedition) against the 24 dismissed deputies was revived by a Pichincha prosecutor, who petitioned a local judge to authorize the investigation. The

judge did so, but stopped short of issuing arrest warrants, provoking the flight of some of the deputies to refuge in Colombia.

Biding Time in Bogota

14. (U) Press on April 24 reported the presence of four opposition deputies, Sylka Sanchez (PRIAN), Gloria Gallardo (PRIAN), Alfredo Serrano (PSC) and Alfonso Harb (PSC), in Bogota, where they reportedly had sought the protection of the GOC from political persecution at home, including possible arrest for what they consider to be bogus charges of impersonating members of Congress. On April 25, press reported the additional presence in Bogota of Luis Fernando Torres (PSC) and Mauricio Ponce (PRIAN). All are among the 57 dismissed by the TSE on March 7 and restituted by the Constitutional Court on April 23. They are also among the list of 24 of the original 57 who were under investigation for impersonating members of Congress, at the request of their replacements.

15. (SBU) On April 26, PSC national leader Pascual del Cioppo told PolChief that he had paved the way for the fleeing deputies to be well received in Bogota (del Cioppo's himself is among the 57 dismissed/restituted deputies, but not the 24 under threat of possible arrest). Del Cioppo said the total number of deputies in Bogota seeking protection had grown to 16, representing all three main opposition parties (PSC, Alvaro Noboa's PRIAN, and Lucio Gutierrez' PSP).

Correa Takes the High Road

16. (U) President Correa on April 24 publicly called upon legal authorities not to arrest the 24. "We don't dispute the legal charges, but we believe it is inopportune and the national government calls upon the prosecutor's office and on the bloc which made the complaint (against the 24) to withdraw it in a spirit of peace because we are living through a sensitive moment and this will help reduce political tensions." Correa also declared that the government "had nothing to do with" the pending legal complaint against the 24. Minister of Government Gustavo Larrea told the Ambassador on April 24 that the government did not wish to lend credence to the allegations of political persecution by the dismissed deputies by arresting them. The president's request has been respected by judicial actors thus far.

Outside Pressure Mounting

17. (SBU) According to April 26 radio reports here, OAS SecGen Insulza reportedly said the OAS was watching recent developments in Ecuador with interests. Del Cioppo said the fleeing deputies were well received by FM Arajuo and in the Colombian Congress. He predicted statements of support/concern from the Andean Parliament, Latin American Parliament, and World Interparliamentary Union to follow shortly. The opposition hopes that damage to the Correa government's image will force it to compromise over the current legal standoff.

Possible Exit

18. (C) On April 26, Del Cioppo claimed to PolChief that he had publicly called for dialogue with President Correa or MinGov Larrea about a "democratic and constitutional exit" from the current political standoff. He would await the government's response. If positive, he would propose a compromise, whereby the government would agree to restore the political rights of the 57, who would not seek to return to their rightful seats in Congress. Restoration of those rights would permit the dismissed deputies to run for the national constituent assembly in elections already announced for September 30, and allow voters to "rule" on their merits. Larrea explained to the Ambassador later on April 26 a number of convoluted legal reasons that made a compromise as Del Cioppo proposes difficult, but he conveyed some willingness and interest in finding a reasonable solution.

Comment

¶9. (C) Del Cioppo's compromise or something similar strikes us as a reasonable resolution given the very messy circumstances leading up to this point. Although the Ecuadorian public is mostly indifferent or even antagonistic to the deputies plight, we sense growing GOE discomfort with the situation, as the dismissed deputies attract attention abroad. We will encourage credible leaders of the Government and opposition to get together, and outside interest (e.g. from the OAS in special session) could help bring the government to the table. Correa has already publicly called for the TSE to restore the political rights of his rival Lucio Gutierrez so that the public can vote against him for the Assembly (the TSE has not complied), so striking this bargain with the opposition does not conflict with past presidential rhetoric.

¶10. (C) We have received only indirect queries about possible political asylum in the U.S. for the deputies and/or dismissed Court members, which we have explained could only be requested in the U.S. from DHS. Since the dismissed deputies are in no physical danger here, and there is no order for their arrest, their case for asylum is still weak.
JEWELL